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15 Attorneys for Defendant  
16 *IONpath, Inc.*

17  
18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**  
20 **SAN FRANCISCO DIVISION**

21 FLUIDIGM CORPORATION, A  
22 DELAWARE CORPORATION; AND  
23 FLUIDIGM CANADA INC., A FOREIGN  
24 CORPORATION,

25 Plaintiffs,

26 v.

27 IONPATH, INC., A DELAWARE  
28 CORPORATION,

Defendant.

Case No. 3:19-cv-05639-WHA

JOINT STATEMENT AND [PROPOSED]  
ORDER REGARDING DISCOVERY  
MOTION EXPENSES AND FEES PER  
ECF NO. 101

1 Pursuant to Civil Local Rule 7-1 and 7-12, Defendant IONpath, Inc. (“Defendant”) and  
 2 Plaintiffs Fluidigm Corporation, a Delaware corporation; and Fluidigm Canada Inc., a foreign  
 3 corporation (“Fluidigm” or “Plaintiffs”), by and through their respective counsel, hereby stipulate  
 4 as follows:

5 WHEREAS, Defendant filed a Letter for Discovery Relief regarding Plaintiff’s response  
 6 to Defendant’s Interrogatory No. 8 on June 11, 2020 (Dkt. No. 88; refiled as Dkt. No. 105-1  
 7 pursuant Dkt. 102);

8 WHEREAS, the Court heard the matter on June 18, 2020 (Dkt. 98), wherein the Court  
 9 granted the relief requested by Defendant;

10 WHEREAS, the Court’s Order awarded to Defendant “its reasonable expenses incurred in  
 11 making the motion, including attorneys’ fees” (Dkt. 101);

12 WHEREAS, the Court’s Order directed the parties to meet and confer to reach agreement,  
 13 and to submit a joint statement for an entry of reasonable expenses, including attorneys’ fees (Dkt.  
 14 101);

15 WHEREAS, pursuant to the Declaration of Josh Furman submitted herewith, Defendant  
 16 has provided to Plaintiff an accounting of its reasonable expenses including attorneys’ fees; and

17 WHEREAS, the parties have met and conferred, and have reached an agreement that the  
 18 amount of reasonable expenses pursuant to the Court’s Order (Dkt. 101) shall be \$15,000.<sup>1</sup>

19  
 20 **IT IS HEREBY STIPULATED AND AGREED** by Fluidigm and IONpath that the amount of  
 21 Defendant’s reasonable expenses incurred in making the motion pursuant to the Court’s Order  
 22 (Dkt. 101) shall be \$15,000.

23  
 24  
 25 <sup>1</sup> The amount agreed upon is without prejudice to Defendant’s right to request all  
 26 appropriate, fees and costs in excess of the agreed-upon amount should the Court award fees  
 27 pursuant to 35 U.S.C. 285 or other applicable authorities, and without prejudice to Plaintiffs’  
 right to oppose such a request and without prejudice to Plaintiffs’ right to challenge the Court’s  
 Order on appeal.

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2  
3 Dated: July 23, 2020

4 By: /s/ Sonal N. Mehta  
5 SONAL N. MEHTA  
6 OMAR A. KHAN  
7 JOSEPH TAYLOR GOOCH  
8 JOSHUA D. FURMAN  
9 WILMER CUTLER PICKERING  
10 HALE AND DORR LLP

11 *Attorneys for Defendant IONpath, Inc.*

12 Dated: July 23, 2020

13 By: /s/ K. Lee Marshall  
14 K. LEE MARSHALL  
15 ABIGAIL COTTON  
16 DAVID A. ROODMAN  
17 DANIEL P. CRANE  
18 BRYAN CAVE LEIGHTON PAISNER LLP

19 *Attorneys for Plaintiffs Fluidigm Corporation*  
20 *and Fluidigm Canada Inc.*

1 Pursuant the Court's Order Compelling Fluidigm To Provide a Supplemental Response to  
2 IONpath's Interrogatory No. 8 Regarding Embodying Products (Dkt. No. 101), Plaintiffs  
3 Fluidigm Corporation and Fluidigm Canada Inc. ("Fluidigm") shall pay Defendant IONpath, Inc,  
4 the amount of \$15,000 in satisfaction of Fluidigm's requirement to pay IONpath's reasonable  
5 expenses pursuant to the Court's Order (Dkt. 101). The amount shall be paid 21 days from the  
6 entry of this order.  
7

8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

9  
10 Dated: \_\_\_\_\_

11  
12 \_\_\_\_\_  
13 Honorable William Alsup  
United States District Judge  
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## **SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing  
JOINT STATEMENT AND [PROPOSED] ORDER REGARDING DISCOVERY MOTION  
EXPENSES AND FEES PER ECF NO. 101. Pursuant to Civil Local Rule 5-1(i), I hereby attest  
that the other signatories have concurred in this filing.

Dated: July 23, 2020

By: /s/ Sonal N. Mehta  
Sonal N. Mehta

## CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2020, I electronically filed the above document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: July 23, 2020

By: /s/ Sonal N. Mehta  
Sonal N. Mehta